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INDEPENDENT REGULATORY
REVIEW COMMISSION

December 23, 2009

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Re: Proposed Rulemaking: Outdoor Wood-Fired Boilers

Dear Board Members:

We are writing to you concerning the proposed rulemaking Title 25 Pa Code, Chapters 121 and 123 as they relate to outdoor wood-fired boilers. Although we support the proposed regulations and do not have any comments on the regulations themselves, we do want to bring to your attention one issue in the Regulatory Analysis Form that was submitted with the proposed regulation.

Under Section III, numbers (18) and (21), it states "local governments may save time and money by making it unnecessary to pass local ordinances to control OWB operations" and "OWB ordinances will no longer be necessary and there will be statewide regulations in effect to react to OWB complaints." Even with the statewide regulations in effect, complaints by aggrieved individuals most likely will be filed with the municipality and not the department. And, although a municipality may not want to be in the position to enforce the proposed regulations, the municipality may be forced to do so. If the municipality would want to assist and enforce the proposed regulations, that municipality will have to first adopt an ordinance referencing the proposed regulations. Without such an ordinance, the only recourse for the municipality would be to refer the individual to DEP for relief.

Although this comment has no effect on the proposed regulations, we thought it necessary to bring the issue to your attention.

Sincerely,

Elam M. Herr
Asst. Executive Director

EMH:klt